

**Application No.: 10/716,502**  
**Amdt. dated April 5, 2007**  
**Reply to Office Action dated December 5, 2006**

**Docket No.: 9988.070.00**

**AMENDMENTS TO DRAWINGS**

The attached sheets of drawings include changes to FIG. 2. This sheet, which includes FIG. 2, replaces the original sheet including FIG. 2. The following changes have been made to FIG. 2: “1Khz” has been deleted and replaced with --Predetermined value--.

**REMARKS**

At the outset, Applicant thanks the Examiner for the thorough review and consideration of the pending application. Also, Applicant thanks the Examiner for indicating that claims 2-7 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph. The Applicant has received and carefully considered the Office Action dated December 5, 2006.

Applicant has amended the paragraph 0023 of the specification and Fig. 2 to correct a clerical error. Specifically, Applicant has deleted the inadvertently inserted exemplary phrase, “of, say, 1Khz.” No new matter has been added.

FIG. 2 has been amended in accordance with the amendment of paragraph 0023. The replacement sheet of drawings, labeled “Replacement Sheet” and attached hereto, includes all of the figures appearing on the immediate prior version of the sheet. A markup copy of the amendment to FIG. 2 including annotations indicating the changes made, is also attached hereto. The marked-up copy is labeled as “Annotated Sheet.”

Claims 1 and 2 have been amended; no new matter has been added. Support for amendments to claim 1 can be found, at least, at paragraphs 0018 - 0022 of the specification. Furthermore, claims 1 and 2 were amended to clarify the invention by removing the word “remaining” from the claims. Claims 1-7 are currently pending. Reexamination and reconsideration of the pending claims are respectfully requested.

Claims 1-7 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Independent claims 1 and 2 have been amended, as described above, to further clarify the subject matter. Claims 3-7 depend from independent claim 2. Accordingly, Applicant respectfully submits that the claims 1-7 are not indefinite and requests that the 35 U.S.C. § 112, second paragraph rejection be withdrawn.

The Office rejects independent claim 1 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,257,027 to Imai (hereinafter “*Imai*”). Applicant respectfully traverses the rejection.

As required in Chapter 2131 of the M.P.E.P., in order to anticipate a claim under 35 U.S.C. § 102(b), “the reference must teach each and every element of the claim.”

Applicant respectfully submits that *Imai* fails to teach, at least,

A method of controlling a washing machine to prevent siphoning, comprising: ... draining, if the sensed water level exceeds a first predetermined water level, the water from the washing machine to at least a level where siphoning of the water through a drain of the washing machine cannot occur; [and]

supplying water to the washing machine after determining that the water level is at least at the level where siphoning of the water through the drain of the washing machine cannot occur,

as recited in independent claim 1.

*Imai* relates to a “full-automatic washing machine includes a rotatable tub for accommodating laundry together with water, an agitator provided in the rotatable tub for agitating the water or the laundry, a variable-speed washing motor for directly driving the agitator, and a variable-speed dehydrating motor for directly driving the rotatable tub.”

*Imai* at Abstract. *Imai* fails to teach anything related to a siphoning phenomenon. *Imai*'s disclosure presumes that a drain valve is closed when the water supply valve is open. See *id.* at col. 19:16-18 (“The drain valve 8 is deenergized to be closed and the water supply valve 11 is energized to be opened at step A10 in FIG. 14.”); see also FIG. 8, ref. A10; FIG. 14, ref. A10; FIG. 25, ref. L20 and accompanying text. Siphoning through the drain cannot occur if a drain valve is present and closed. *Imai* does not address, and therefore does not disclose, a situation in which siphoning might occur (*e.g.*, when both drain and water supply valves are simultaneously open). For at least the above-stated reasons, *Imai* fails to teach, at least,

A method of controlling a washing machine to prevent siphoning, comprising: ... draining, if the sensed water level exceeds a first predetermined water level, the water from the washing machine to at least a level where siphoning of the water through a drain of the washing machine cannot occur; [and]

supplying water to the washing machine after determining that the water level is at least at the level where siphoning of the water through the drain of the washing machine cannot occur,

as recited in independent claim 1.

Accordingly, the 35 U.S.C. § 102(b) rejection of independent claim 1 as being anticipated by *Imai* should be withdrawn.

The Office rejects independent claim 1 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,609,264 to Ruhl *et al.* (hereinafter “*Ruhl*”). Applicant respectfully traverses the rejection.

As required in Chapter 2131 of the M.P.E.P., in order to anticipate a claim under 35 U.S.C. § 102(b), “the reference must teach each and every element of the claim.”

Applicant respectfully submits that *Ruhl* does not teach, at least,

A method of controlling a washing machine to prevent siphoning, comprising: ... draining, if the sensed water level exceeds a first predetermined water level, the water from the washing machine to at least a level where siphoning of the water through a drain of the washing machine cannot occur [and]

supplying water to the washing machine after determining that the water level is at least at the level where siphoning of the water through the drain of the washing machine cannot occur;

as recited in independent claim 1.

*Ruhl* relates to a drain pump cycling control system for a washing machine. *Ruhl* at col. 1:42-45. *Ruhl* seeks to reduce the run time of the drain pump by sensing at least one dynamic operating parameter of the washing machine and using that parameter to cycle the pump on and off for fixed periods of time. *See Abstract; col. 6:5-7:4.* *Ruhl*’s washing machine includes an inner tub 12 that is mounted for rotation in an outer tub 25. *Id.* at col. 2:39. “A pump 30 (*See FIGS. 1 and 3*) is provided to control the level of washing fluid with in machine 2, particularly the draining of the fluid from outer tub 25.” *Id.* at col. 2:54-57. *Ruhl*’s goal is “to assure that the activation time of pump 30 is minimized.” *Id.* at col. 6:48-50. In one embodiment, “the cycling of pump 30 is regulated based on the water level in outer tub 25 of washing machine 2. Specifically, when the water level [in the outer tub] is sensed to be close to a bottom portion of inner tub 12, pump 30 is energized for a set amount of time.” *Id.* at 6:52-56. *Ruhl* is concerned with, and therefore only discloses, a

control system to reduce the run time of the drain pump by cycling the pump on and off. *See, e.g., id.* at col. 6:19-28, 54-56. *Ruhl* does not address a situation in which siphoning might occur; *Ruhl* is not concerned with siphoning. Nor does *Ruhl* describe a method that can prevent siphoning. Even if one practices *Ruhl*'s invention, the siphoning phenomena could still occur. The ultimate level to which the water may fall in *Ruhl* is fixed by the "set amount of time" during which pump 30 is energized. *Id.* at 6:52-56. *Ruhl* fails to disclose "draining ... water ... to at least a level where siphoning of the water through a drain of the washing machine cannot occur," as recited in claim 1. Additionally, *Ruhl* fails to disclose "supplying water to the washing machine after determining that the water level is at least at the level where siphoning of the water through the drain of the washing machine cannot occur," as recited in independent claim 1.

For at least the above-stated reasons, *Ruhl* fails to teach, at least,

A method of controlling a washing machine to prevent siphoning, comprising: ... draining, if the sensed water level exceeds a first predetermined water level, the water from the washing machine to at least a level where siphoning of the water through a drain of the washing machine cannot occur [and]

supplying water to the washing machine after determining that the water level is at least at the level where siphoning of the water through the drain of the washing machine cannot occur;

as recited in independent claim 1.

Accordingly, the 35 U.S.C. § 102(b) rejection of independent claim 1 as being anticipated by *Ruhl* should be withdrawn.

Applicant respectfully asserts that the application is in condition for allowance; a Notice of the same is earnestly solicited. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

**Application No.: 10/716,502**  
**Amdt. dated April 5, 2007**  
**Reply to Office Action dated December 5, 2006**

**Docket No.: 9988.070.00**

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: April 5, 2007

Respectfully submitted,

By Mark R. Kresloff (Reg. No. 46,522)  
for **Mark R. Kresloff**  
Registration No.: 42,766  
McKENNA LONG & ALDRIDGE LLP  
1900 K Street, N.W.  
Washington, DC 20006  
(202) 496-7500  
Attorneys for Applicant

DC:50451275.4



FIG. 2

